

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT**

JP MORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Plaintiff,

v.

ROBERT KOWALSKI, AKA ROBERT M.
KOWALSKI; UNKNOWN OWNERS AND
NON-RECORD CLAIMANTS; CHICAGO
TITLE LAND TRUST COMPANY s/i/i TO
BRIDGEVIEW BANK GROUP FKA
BRIDGEVIEW BANK AND TRUST COMPANY,
AS TRUSTEE UNDER TRUST AGREEMENT
DATED APRIL 24, 1993 AND KNOWN AS
TRUST NUMBER 1-2228; MARTHA
PADILLA; FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
WASHINGTON FEDERAL BANK FOR
SAVINGS,

Defendants.

Case No. 1:19-CV-05770

1512 W. Polk Street
Chicago, IL 60607

JOINT STATUS REPORT ON DISCOVERY

The parties hereby jointly submit this Status Report on Discovery pursuant to Court Order.

(See Dkt. 194).

A. PROGRESS ON DISCOVERY

1. Fact discovery has been completed as to the principal parties.
2. Discovery was stayed as to Third-Party Defendant First Midwest Bank pending disposition of First Midwest Bank's *Motion to Dismiss Padilla's First Amended Third-Party Complaint*. (See Dkt. 141).
3. On March 31, 2022, the Court issued a Memorandum Opinion and Order (Dkt. 193)
(a) granting Chase's Motion for Partial Summary Judgment on Padilla's First Affirmative Defense,

(b) granting the FDIC's Motion for Summary Judgment on Padilla's First Affirmative Defenses to its Second Amended Counterclaim; (c) granting the Motions of Chase and the FDIC striking the expert report of Randall Hughes, and (d) denying First Midwest Bank's Motion to Dismiss Padilla's First Amended Third-Party Complaint.

B. PROGRESS ON SETTLEMENT DISCUSSIONS.

Since the March 31, 2022 ruling, the parties are discussing settlement. Padilla has made settlement offers to both Chase and the FDIC. Counsel for Padilla and First Midwest Bank have briefly discussed settlement, but do not believe they are able to settle the Third-Party Complaint issues at this time. The parties are interested in a second pre-trial settlement conference with respect to the primary claims between Chase, the FDIC, and Padilla. However, the FDIC and Chase have a precondition to a second settlement conference, which is access to the subject property to allow for a full appraisal, including a full interior inspection, without limitation, by an independent third-party appraiser retained by Chase or the FDIC. Padilla has agreed to provide interior access at a mutually agreeable date and time. The FDIC and Chase will not participate in another settlement conference unless they can obtain access to the property and obtain a completed independent appraisal.

C. PROPOSED DISCOVERY SCHEDULE ON THIRD-PARTY COMPLAINT

1. First Midwest Bank will answer the First Amended Third-Party Complaint by May 6, 2022.
2. Padilla and First Midwest Bank will issue written party discovery on or before May 27, 2022.
3. Responses to written party discovery requests on the Third-Party Complaint will be completed by June 27, 2022.

4. First Midwest Bank will file an Agreed Motion to Sever Padilla's Third-Party Complaint from Plaintiff's case for trial purposes before the Honorable Thomas M. Durkin.

5. Third Party discovery and expert discovery schedule, if necessary, to be proposed upon completion of party fact discovery on the Third-Party Complaint.

SUBMITTED JOINTLY AND BY AGREEMENT OF THE PARTIES:

Date: April 25, 2022

**PLAINTIFF JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION**

/s/ Shana A. Shifrin

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**DEFENDANT FEDERAL DEPOSIT
INSURANCE CORPORATION,
AS RECEIVER FOR WASHINGTON
FEDERAL BANK FOR SAVINGS**

/s/ Jordana E. Thomadsen

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DEFENDANT MARTHA PADILLA

/s/ Joseph R. Ziccardi

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**THIRD-PARTY DEFENDANT FIRST
MIDWEST BANK**

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